

Vickie L. Gabin, Special Master
United States District Court
106 South Federal Place
Santa Fe, NM 87501

May 4, 2010

Re: State v. Aragon, 69cv07941, Rio Chama Adjudication, Rio Nutrias Subsection, Section 3

Dear Water Rights Claimant:

You are getting this letter, a Notice and Order to Show Cause, and a form Objection and Response to Notice and Order to Show Cause, because you have water rights in the Rio Nutrias Subsection of the Rio Chama adjudication. As you know, there is a court order that describes the following elements of your water rights: source, purpose of use, point of diversion, and the location and amount of irrigated acreage. Your order also states that the priority and amount of water are “reserved for future determination by court order entered July 25, 2000.”

It is now the time to determine the priority and amount of water of your water right. The enclosed Notice and Order to Show Cause, a document which the Court has approved, should be read carefully. The purpose of this document is to describe the ditch-wide priority dates and system-wide irrigation water requirements that the State of New Mexico, *ex rel.* State Engineer (“State”) has proposed for the Rio Nutrias Subsection.

However, you have a right to come to court and object to these priority dates and irrigation water requirements being applied to your individual water right. You also have a right at this time to object to the priority dates for other ditches. After reading the enclosed Notice and Order to Show Cause, you must decide whether you agree with the State’s proposed determination of:

- a. the priority dates of your water right and ditch
- b. the priority dates for other ditches, and
- c. the irrigation water requirements for all water rights.

If you agree with the priority dates and irrigation water requirements as set out in the Notice and Order to Show Cause, you are not required to take any action. However, if you disagree and wish to object to any of the proposed priority dates, including the priority date proposed for your water rights, or the priority date for the water rights of any other claimant, or the proposed irrigation water requirements for all water rights, you **MUST** file the enclosed Objection and Response to Notice and Order to Show Cause, at the:

United States District Court Clerk
106 S. Federal Place
Santa Fe, NM 87501

To file the objection, you may either mail or hand-deliver the form to the Court. However, it must be received by the Court Clerk no later than **JULY 31, 2010**. You also must attend a mandatory scheduling and pretrial conference; you will receive a notice of the date, time and place

of the mandatory conference after the date for the conference is set.

This will be your only opportunity to object to the proposed priority date for your water rights, to the proposed priority date for any other claimant's water rights in the Rio Nutrias Subsection, or to the proposed irrigation water requirements in the Rio Nutrias Subsection. If you fail to timely object and to attend the mandatory scheduling and pretrial conference you will not be able to raise any objections to these elements in the future.

If you have any questions, please call or write:

Edward G. Newville
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444 telephone
(505) 867-2299 facsimile

or

John W. Utton
Attorney for Asociación de Acequias Norteñas
de Rio Arriba
Sheehan, Sheehan & Stelzner PA
P.O. Box 271
Albuquerque NM 87103-0271
(505) 699-1445 telephone
(505) 842-8890 facsimile

Sincerely,

Vickie L. Gabin

Vickie L. Gabin
Special Master for the Rio Chama Adjudication